

Examiner Bryan J. Fox
Fax No. 703 872-9306

REMARKS

The Office Action mailed May 21, 2004 has been reviewed and carefully considered. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks.

Claims 1-9 and 11-18 are pending in the present application. Claims 1-9 have been amended. Claim 10 has been cancelled without prejudice. New claims 11-18 have been added. No new matter has been introduced.

Initially, the Applicant gratefully acknowledges the indication of allowability of Claims 3-7.

By the Office Action, the Examiner rejected claim 10 under 35 U.S.C. §112, second paragraph. As noted above, Claim 10 has been cancelled. Accordingly, reconsideration of the rejection is respectfully requested.

Claims 8 and 9 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,128,509 to Veijola et al. (hereinafter "Veijola").

It is respectfully asserted that none of the cited references teach or suggest "[a]n auxiliary rendering device comprising mobile device communication means for establishing an auxiliary communication session with a mobile device, ... wherein the mobile device communication means are arranged for transmitting an assistance message comprising information on the rendering capabilities of the auxiliary rendering device to the mobile device", as recited in Claim 8.

Rather, Veijola discloses at column 11, lines 23-34:

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The registration message contains information about the available physical transferring media for this certain device. ... In greater detail, a registration message sent from a device to host contains:

- a fixed host address as receiver;
- a temporary device sender address;
- a device type identifier;
- a random number;
- a preferred device number to be assigned if available; and
- information about available links.

As is evident, the registration message does not include any information relating to the rendering capabilities of the device. Rather, the registration message is directed to identifying the device and the addresses of the host and the temporary device sender and providing information about available links. It is to be noted the "host" disclosed with respect to the registration message is, in fact, a main *router*, and not a mobile device or an auxiliary rendering device. Accordingly, Claim 8 is patentably distinct and nonobvious over the cited references for at least the reasons set forth above.

Claim 9 depends from Claim 8 and, thus, includes all the limitations of Claim 8. Thus, Claim 9 is patentably distinct and nonobvious over the cited references for at least the reasons set forth above with respect to Claim 8. Moreover, Claim 9 is patentably distinct and nonobvious over the cited references in its own right. For example, while the Examiner has stated in his rejection of Claim 8 that the "registration message" disclosed by Veijola reads on the "assistance message recited in Claim 8, the Examiner has further stated in his rejection of Claim 9 that the "resource request message" and the "resource response message" disclosed by Veijola reads on the "assistance request" and the

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"assistance message" recited in Claim 9. However, none of these cited prior art messages (i.e., the registration message (as argued above), and the resource response message) relate to the assistance message as claimed. For example, a "server 50 passes the Response to the Resource Request back to the CM 41A, which in turn passes the Response back to the requesting application 52" (Veijola, col. 21, lines 7-9). Thus, in Veijola, a server sends the Resource Request to a communication manager that, in turn, sends the message back to a requesting application. In contrast, Claim 9 essentially recites that the assistance message is transmitted from the (mobile device communication means in the) auxiliary rendering device to the mobile device. Reconsideration of the rejection is respectfully requested.

Further, Claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,732 to Tryding (hereinafter "Tryding") in view of U.S. Patent No. 6,556,217 to Makipaa et al. (hereinafter "Makipaa").

It is respectfully asserted that none of the cited references, either taken singly or in combination, teach or suggest "wherein the auxiliary communication means are arranged for receiving an assistance message from the auxiliary rendering device, the assistance message comprising information on the rendering capabilities of the auxiliary rendering device" as now recited in Claim 1. The preceding limitation was extracted from allowable Claim 3, but further includes the word "rendering" so as to characterize the capabilities as "rendering capabilities". Accordingly, Claim 1 is patentably distinct and nonobvious over the cited references for at least the reasons set forth above.

Claim 2 depends from Claim 1 and, thus, includes all the limitations of Claim 1. Thus, Claim 2 is patentably distinct and nonobvious over the cited references for at least

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the reasons set forth above with respect to Claim 1. Accordingly, reconsideration of the rejection is respectfully requested.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,732 to Tryding in view of U.S. Patent No. 6,556,217 to Makipaa and further in view of Veijola.

As noted above, Claim 10 has been cancelled. Thus, withdrawal of the rejection is respectfully requested.

Further as noted above, new Claims 11-18 have been added. Claims 11-16 depend from Claim 1 and, thus, include all the limitations of Claim 1. Claims 17-18 depend from Claim 8 and, thus, include all the limitations of Claim 8. Accordingly, Claims 11-16 and 17-18 are patentably distinct and nonobvious over the cited references for at least the same reasons as Claims 1 and 8, respectively. Moreover, Claims 11-18 are patentably distinct and nonobvious over the cited references in their own right. For example, none of the cited references teach or suggest a "mobile device ... further comprising selection means for selecting a most suitable auxiliary rendering device from among a plurality of auxiliary rendering devices based on the rendering capabilities of each of the plurality of auxiliary rendering devices as specified in a plurality of assistance messages respectively received from the plurality of auxiliary rendering devices", as recited in Claim 12. Moreover, none of the cited references teach or suggest a "mobile device ... further comprising selection means for selecting the auxiliary rendering device from among a plurality of auxiliary rendering devices based on at least one of a proximity to the mobile device, and a quickest response time from among each of a plurality of auxiliary rendering devices", as recited in Claim 13. Also, none of the cited references

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teach or suggest a "mobile device ... further comprising a Radio Frequency (RF) level scanner for scanning an RF level of the auxiliary communication session and comparing the scanned RF level to a predefined threshold to determine whether the auxiliary communication session is to be migrated to another auxiliary rendering device" as recited in Claim 15.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-9 and 11-18 are patentable and nonobvious over the cited references. Consequently, the Applicant respectfully requests reconsideration and withdrawal of the rejections and allowance of the application. Such early and favorable consideration by the Examiner is respectfully urged. Should the Examiner believe that a telephone interview may facilitate resolution of any remaining matters, it is requested that the Examiner contact Applicant's undersigned attorney.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to Applicant's representative's Deposit Account No. 50-1433.

Respectfully submitted,

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